



#5

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: KEITH FECTEAU ET AL )  
SERIAL NUMBER: 09/149,629 ) Group Art Unit: 2873  
FILED: September 8, 1998 ) Examiner:  
FOR: ASPHERIC PLANO EYEWEAR ) Schwartz, J.

3/31/99  
Approved  
J. Massey

TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION

The Commissioner of Patents  
and Trademarks

Washington, D.C. 20231

Sir:

Petitioner certifies that it is the assignee of the entire right, title and interest in the instant patent application by virtue of the following assignment of the patent application identified above:

Assignor	Assignee	Reel/Frame No.
KEITH FECTEAU	Cabot Safety Intermediate Corporation	8581/0362
JAMES HALL		
RAOUL DESY		
JOHN SALCE		
DAVID M. HASENAUER		

Petitioner further certifies that the evidentiary documents recorded at Reel 8581, Frame 0362 have been reviewed, and that, to the best of Petitioner's knowledge and belief, title is in the assignee (Cabot Safety Intermediate Corporation) seeking to take such action.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 5,825,455. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 5,825,455 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or

RECEIVED

03/24/1999 ANDHNTT 00000037 09149629

01 FC:148

110.00 DP

MAR 31 1999

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

RECEIVED  
93 MAR 26 PM 8:03  
TECHNOLOGY CENTER 2800

assign.

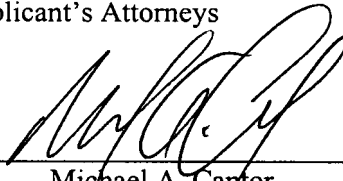
In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 5,825,455, in the event that such patent; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KEITH FECTEAU ET AL

CANTOR COLBURN LLP  
Applicant's Attorneys

By:   
\_\_\_\_\_  
Michael A. Cantor  
Registration No. 31,152

Date: March 16, 1999

Address: 88 Day Hill Road, Windsor, Connecticut 06095